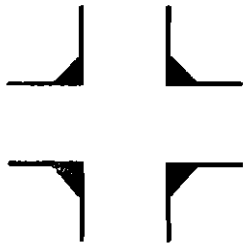


NOV - 3 2009

FCC Mail Room



CHRIST THE KING
JESUIT COLLEGE PREPARATORY SCHOOL

5088 West Jackson Blvd.
Chicago, IL 60644
773.261.7505
www.ctkjesuit.org

October 28, 2009

By Electronic Filing and U.S. Postal Service

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
445 12th Street, SW
Washington, DC 20554

Dear Ms. Dortch:

This letter is an appeal of a USAC decision on behalf of Christ the King Jesuit College Preparatory School of Chicago, Illinois.

In the matter of Request for Review by Christ the King Jesuit College Preparatory School of
Decision of Universal Service Administrator.

Request for Review/ CC Docket No. 96-45; CC Docket No. 02-6

Billed Entity Name: Christ the King Jesuit College Preparatory School
Form 471 Application Number: 675998
Billed Entity Number: 16045615

Funding Request Number: 1845641

Category of Service: Internal Connections

Funding Commitment Decision: \$0.

-The 470 cited did not include service of this type; therefore it does not meet the 28 day competitive bidding requirement.

Christ the King Jesuit College Preparatory School requests a review of this FRN due to an oversight by our contracted consultant, Dr. James Earle of CTI eRate services. Dr. Earle failed to include our request for Internal Connections on the Form 470. Later, it was discovered that

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the CTI consultant filed a late Form 470 to try to include the Internal Connections request. This late request included erroneous figures and an incorrect service provider. Dr. Earle suffered the death of his mother during these processes. Therefore, we believe that our filing was conducted under strenuous circumstances, and an unfortunate oversight occurred. Once these errors were discovered, Christ the King Jesuit College Preparatory School, in consultation with USAC, continued the filing processes. As a courtesy, we will provide Dr. Earle a copy of this correspondence. CTI ERate Services/ 3450 NE Parallel St., El Dorado, KS 67042/ 866-858-1100.

Funding Request Number: 1845647

Category of Service: Basic Maintenance of Internal Connections

Funding Commitment Decision: \$0.

-No contract was in place when the Form 471 certification was filed.

-Cost Effectiveness Review determined that the request was not cost effective (cost per student and per piece of equipment is excessive).

Christ the King determined that both the original eRate consultant and the service provider did not represent the needs of the applicant. The 470 filing was incorrect. To this end, Christ the King contracted a new service provider. As suggested, this contract was outside the 471 Application window due to the loss of confidence with the original consultant and service provider. Changing the service provider resulted in a better system at a lower cost. USAC suggested that if this decision was appealed, Christ the King may be allowed to submit Basic Maintenance requests for the competitive bidding process, as instructed.

Christ the King is building a new facility for 600 students. At the time of the eRate filing, the student enrollment numbers did not represent the capacity of the school building. As a new school, Christ the King has a rolling enrollment – with a new 9th grade class starting each year so that the first year had a class of 9th graders, the second year 9th and 10th graders, the third year 9th, 10th and 11th graders and the fourth year 9th, 10th, 11th and 12th graders. The school will not achieve capacity enrollment until the beginning of the 2012-2013 academic year. Since it is more cost effective to provide internal connections during construction than to add it later, Christ the King applied for services that would support the school at its full capacity. As suggested by USAC/FCC recommendations, Christ the King is using a “proactive approach in designing infrastructure.” And, as already noted, the plan offered by the new service provider for both the 2008-2009 and the 2009-2010 funding year was significantly better and significantly less expensive than the plan offered by the original service provider.

Request for Review/ CC Docket No. 96-45; CC Docket No. 02-6

Desired outcome. Christ the King requests the opportunity to resubmit Priority 2 requests for the 2009-2010 Erate Funding Year.

For both FRN 1845641 and FRN 1845647, Christ the King Jesuit College Preparatory School was denied funding due to prohibitive conduct by a third party. We would like to appeal the

Funding Commitment Report dated September 3, 2009. Please let us know if you require any additional information.

Thank you for your time and consideration.

If you need immediate assistance, please contact the Christ the King Jesuit College Preparatory School Development Associate, Megan Kennedy, 773-294-4105/
megan_a_kennedy@hotmail.com.

Sincerely,

A handwritten signature in black ink that reads "John R. Macnamara". The signature is written in a cursive style with a large, stylized initial "J".

Jack Macnamara

Christ the King Jesuit College Preparatory School

5088 W. Jackson Boulevard, Chicago, IL 60644

School: 773-261-7505 ext. 227 Fax: 773-261-7507

Mobile: 312-320-8811

www.ctkjesuit.org jmacnamara@ctkjesuit.org



Schools and Libraries Division

FUNDING COMMITMENT DECISION LETTER
(Funding Year 2009: 07/01/2009 - 06/30/2010)

September 3, 2009

Megan Kennedy
CHRIST THE KING JESUIT COLLEGE PREP SCHOOL
10522 S. Hoyne
Chicago, IL 60643

Re: Form 471 Application Number: 675998
Billed Entity Number (BEN): 16045615
Billed Entity FCC RM: 0017827999
Applicant's Form Identifier: IL CTKJC Prep P2

Thank you for your Funding Year 2009 application for Universal Service Support and for any assistance you provided throughout our review. The current status of the funding request(s) in the Form 471 application cited above and featured in the Funding Commitment Report(s) (Report) at the end of this letter is as follows.

- The amount, \$183,467.38 is "Denied."

Please refer to the Report following this letter for specific funding request decisions and explanations. The Universal Service Administrative Company (USAC) is also sending this information to your service provider(s) so preparations can begin for implementing your approved discount(s) after you file FCC Form 486, Receipt of Service Confirmation Form. A guide that provides a definition for each line of the Report is available in the Reference Area of our website.

NEXT STEPS

- Work with your service provider to determine if you will receive discounted bills or if you will request reimbursement from USAC after paying your bills in full
- Review technology planning approval requirements
- Review CIPA requirements
- File Form 486
- Invoice USAC using the Form 474 (service provider) or Form 472 (Billed Entity applicant) - as products and services are being delivered and billed

TO APPEAL THIS DECISION:

You have the option of filing an appeal with the SLD or directly with the Federal Communications Commission (FCC).

If you wish to appeal a decision in this letter to USAC, your appeal must be received by USAC or postmarked within 60 days of the date of this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. In your letter of appeal:

1. Include the name, address, telephone number, fax number, and (if available) email address for the person who can most readily discuss this appeal with us.
2. State outright that your letter is an appeal. Include the following to identify the letter and the decision you are appealing:
 - Appellant name,
 - Applicant name and service provider name, if different from appellant,
 - Applicant BEN and Service Provider Identification Number (SPIN),
 - Form 471 Application Number 675998 as assigned by USAC,
 - "Funding Commitment Decision Letter for Funding Year 2009," AND
 - The exact text or the decision that you are appealing.

3. Please keep your letter to the point, and provide documentation to support your appeal. Be sure to keep a copy of your entire appeal, including any correspondence and documentation.
4. If you are the applicant, please provide a copy of your appeal to the service provider(s) affected by USAC's decision. If you are the service provider, please provide a copy of your appeal to the applicant(s) affected by USAC's decision.
5. Provide an authorized signature on your letter of appeal.

To submit your appeal to USAC by email, email your appeal to appeals@sl.universalservice.org. USAC will automatically reply to incoming emails to confirm receipt.

To submit your appeal to USAC by fax, fax your appeal to (973) 599-6542.

To submit your appeal to USAC on paper, send your appeal to:

Letter of Appeal
Schools and Libraries Division - Correspondence Unit
100 S. Jefferson Road
P.O. Box 902
Whippany, NJ 07981

If you wish to appeal a decision in this letter to the FCC, you should refer to CC Docket No. 02-5 on the first page of your appeal to the FCC. Your appeal must be received by the FCC or postmarked within 60 days of the date of this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. We strongly recommend that you use the electronic filing options described in the "Appeals Procedure" posted in the Reference Area of our website. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554.

OBLIGATION TO PAY NON-DISCOUNT PORTION

Applicants are required to pay the non-discount portion of the cost of the products and/or services to their service provider(s). Service providers are required to bill applicants for the non-discount portion. The FCC stated that requiring applicants to pay their share ensures efficiency and accountability in the program. If USAC is being billed via the FCC Form 474, the service provider must bill the applicant at the same time it bills USAC. If USAC is being billed via the FCC Form 472, the applicant pays the service provider in full (the non-discount plus discount portion) and then seeks reimbursement from USAC. If you are using a trade-in as part of your non-discount portion, please refer to our website for more information.

NOTICE ON RULES AND FUNDS AVAILABILITY

Applicants' receipt of funding commitments is contingent on their compliance with all statutory, regulatory, and procedural requirements of the Schools and Libraries Program. Applicants who have received funding commitments continue to be subject to audits and other reviews that USAC and/or the FCC may undertake periodically to assure that funds that have been committed are being used in accordance with all such requirements. USAC may be required to reduce or cancel funding commitments that were not issued in accordance with such requirements, whether due to action or inaction, including but not limited to that by USAC, the applicant, or the service provider. USAC, and other appropriate authorities (including but not limited to the FCC), may pursue enforcement actions and other means of recourse to collect improperly disbursed funds. The timing of payment of invoices may also be affected by the availability of funds based on the amount of funds collected from contributing telecommunications companies.

Schools and Libraries Division
Universal Service Administrative Company

FUNDING COMMITMENT REPORT

Billed Entity Name: CHRIST THE KING JESUIT COLLEGE PREP SCHOOL
BEN: 16045615
Funding Year: 2009

Comment on RAL corrections: The applicant did not submit any RAL corrections.

Form 471 Application Number: 675998

Funding Request Number: 1845641

Funding Status: Not Funded

Category of Service: Internal Connections

Form 470 Application Number: 974230000710009

SPIN: 143033009

Service Provider Name: Temple Building Systems, Inc

Contract Number: Contract 1

Billing Account Number: N/A

Multiple Billing Account Numbers: N

Service Start Date: 07/01/2009

Service End Date: N/A

Contract Award Date: 02/03/2009

Contract Expiration Date: 09/30/2010

Site Identifier: 16045615

Number of Months Recurring Service Provided in Funding Year: 12

Annual Pre-discount Amount for Eligible Recurring Charges: \$.00

Annual Pre-discount Amount for Eligible Non-recurring Charges: \$75,000.00

Pre-discount Amount: \$75,000.00

Discount Percentage Approved by the USAC: 90%

Funding Commitment Decision: \$0.00 - Svcs. not requested on F. 470

Funding Commitment Decision Explanation: MR1: In consultation with the applicant, the service provider has been changed to Temple Building System SPIN number 143033009.

<><><><> DR1: The 470 cited did not include service of this type; therefore it does not meet the 28 day competitive bidding requirement.

FCDL Date: 09/03/2009

Wave Number: 019

Last Allowable Date for Delivery and Installation for Non-Recurring Services: 09/30/2010

FUNDING COMMITMENT REPORT

Billed Entity Name: CHRIST THE KING JESUIT COLLEGE PREP SCHOOL

BEN: 16045615

Funding Year: 2009

Comment on RAL corrections: The applicant did not submit any RAL corrections.

Form 471 Application Number: 675998

Funding Request Number: 1845647

Funding Status: Not Funded

Category of Service: Basic Maintenance of Internal Connection

Form 470 Application Number: 974900000648226

SPIN: 143018250

Service Provider Name: P.C. Access, Inc.

Contract Number: Contract 2

Billing Account Number: 773 678-4376

Multiple Billing Account Numbers: N

Service Start Date: 07/01/2009

Service End Date: N/A

Contract Award Date: 03/24/2009

Contract Expiration Date: 06/30/2010

Site Identifier: 16045615

Number of Months Recurring Service Provided in Funding Year: 12

Annual Pre-discount Amount for Eligible Recurring Charges: \$128,852.64

Annual Pre-discount Amount for Eligible Non-recurring Charges: \$.00

Pre-discount Amount: \$128,852.64

Discount Percentage Approved by the USAC: 90%

Funding Commitment Decision: \$0.00 - Cost Effectiveness

Funding Commitment Decision Explanation: MR1: The Contract Award Date was changed from 02/05/2008 to 03/24/2009 to agree with the applicant documentation. <><><><>

DR1: No contract was in place when the Form 471 certification was filed. <><><><>

DR2: This funding request is denied as a result of a Cost Effectiveness Review, which has determined that your request for 1845647 has not been justified as cost effective as required by FCC rules. The cost per student and the cost per piece of equipment is excessive and not cost effective.

FCDL Date: 09/03/2009

Wave Number: 019

Last Allowable Date for Delivery and Installation for Non-Recurring Services: 09/30/2010